REMARKS / DISCUSSION OF ISSUES

Claims 1-20 and 22 are pending in the application.

The applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

The applicants thank the Examiner for providing information about recommended section headings. However, the applicants respectfully decline to add the headings. Section headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but are only guidelines that are suggested for applicant's use. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77").

The Office action rejects claims for double patenting over claims of USP 6,741,304. As suggested by the Examiner, a Terminal Disclaimer is filed herewith to obviate the double patenting rejection. Accordingly, withdrawal of the rejection of claims is respectfully requested.

The Office action objects to claims 5, 6, and 11 for informalities. The applicants thank the Examiner for this attention to detail. Claims 5, 6, and 11 are correspondingly amended herein. No new matter is introduced, and the scope of the claims is unchanged.

The Office action maintains the restriction requirement, and the applicants reiterate their traversal. The applicants again traverse the prior election requirement, and request the Examiner's attention to MPEP 803:

> "If the search and examination of an entire application can be made without serious burden, the examiner ***must*** examine it on the merits, ***even though it includes claims to independent or distinct inventions***."

Further, MPEP 808.02 clearly states:

> "Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, ***no reasons exist*** for dividing among related inventions."

The Office action asserts that "additional searching ... would place an undue burden on the examiner since these claims include more limitations". The applicants note that all additional claims include additional limitations, and MPEP 803 specifically recites that even claims that are drawn to independent or distinct inventions ***must*** be examined on the merits. The claims address different methods for selectively coupling light to segments of a display, and thus are in the same classification and field of search, and thus, per MPEP 808.02, ***no reasons exist*** for dividing among related inventions.

In light of the clear directives of MPEP 803 and 808.02, the applicants respectfully request the Examiner's reconsideration of the restriction of claims 13-20.

The Office action rejects claims 1-4, 8, 11, and 22 under 35 U.S.C. 102(e) over Nauta et al. (USP 6,741,304, hereinafter Nauta). The applicants respectfully traverse this rejection.

The Examiner's attention is requested to 35 U.S.C. 102(e):

> "A person shall be entitled to a patent unless -
> (e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States ***before*** the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States ***before*** the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;"

USP 6,741,304 and this application were each filed on 31 August 2001, and each claim priority to European applications filed on 11 September 2000. USP 6,741,304 was not filed ***before*** the filing of this application, and thus cannot be said to have been filed before the invention of this application. Therefore, USP 6,741,304 is not available as prior art to this invention under 35 U.S.C. 102(e).

The Office action rejects claims 1-6, 8-9, 11-12, and 22 under 35 U.S.C. 102(b) over Jelley et al. (USP 5,377,027, hereinafter Jelley). The applicants respectfully traverse this rejection.

The Examiner's attention is requested to MPEP 2131, wherein it is stated:

> "A claim is anticipated only if ***each and every element*** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The ***identical invention*** must be shown in as ***complete detail*** as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, upon which claims 2-6, 8-9, 11-12, and 22 depend, claims a display device that includes an illumination system that includes an optical waveguide that is adapted for selectively coupling out light to the display panel for a group of rows of pixels or a group of columns of pixels.

Jelley does not teach an optical waveguide that is adapted for selectively coupling out light to the display panel for a group of rows of pixels or a group of columns of pixels. Jelley teaches apertures 48 that couple out light to the display panel; however Jelley's apertures 48 do not facilitate ***selective*** coupling out of the light for groups of rows or columns of pixels. Jelly's apertures 48 always couple out light to the display panel, and always couple out light to all of the rows and columns of pixels.

Because Jelley does not teach an optical waveguide that is adapted for selectively coupling out light to the display panel for a group of rows of pixels or a group of columns of pixels, as specifically claimed in each of the rejected claims, the applicants respectfully maintain that the rejection of claims 1-6, 8-9, 11-12, and 22 under 35 U.S.C. 102(b) over Jelley is unfounded, per MPEP 2131.

The Office action rejects claims 7 and 10 under 35 U.S.C. 103(a) over Jelley and Deacon et al. (USP 6,325,553, hereinafter Deacon). The applicants respectfully traverse this rejection.

The Examiner's attention is requested to MPEP 2142, wherein it is stated:

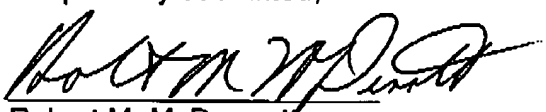
> "To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

Claims 7 and 10 are dependent upon claim 1. The Office action relies upon Jelley for teaching each of the limitations of claim 1. As discussed above, Jelley fails to teach an optical waveguide that is adapted for selectively coupling out light to the display panel for a group of rows of pixels or a group of columns of pixels, as specifically claimed in claim 1.

Because Jelley does not teach an optical waveguide that is adapted for selectively coupling out light to the display panel for a group of rows of pixels or a group of columns of pixels, the applicants respectfully maintain that the rejection of claims 7 and 10 under 35 U.S.C. 103(a) based on Jelley are unfounded, per MPEP 2142.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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